

**OCCUPATIONAL SAFETY  
AND HEALTH STANDARDS BOARD**

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Attachment No. 2

**INITIAL STATEMENT OF REASONS****CALIFORNIA CODE OF REGULATIONS**

TITLE 8: Chapter 4, Subchapter 13, Article 1.5, Section 6251  
of the Logging and Sawmill Safety Orders

**First Aid Requirements for Fixed Sawmill Operations****SUMMARY**

On January 22, 2002, the Occupational Safety and Health Standards Board (Board) received a Form 9, Request for New or Change In Existing Safety Orders, from the Division of Occupational Safety and Health (Division) requesting that Logging and Sawmill Safety Orders (LSSO) Section 6251(d)(1) be amended to clarify first aid requirements for fixed sawmill operations.

The Division expressed concern over the meaning of the term "proximity" as used in the "Note" in Section 6251(d)(1). It refers to a 15-minute response time whereby first aid is to be provided to employees who require such treatment. The Division believes that a 15-minute response time is too long for the sawmill employee to have to wait before effective, life saving first aid and/or cardiopulmonary resuscitation (CPR) is provided. The Division also noted that the prescribed 15-minute response time is inconsistent with Federal OSHA interpretations on what is considered an effective response time.

In a February 9, 1994 Interpretation Letter, Federal OSHA clarified that the term "in near proximity" in 29 Code of Federal Regulations (CFR) 1910.151(b) means that in areas where accidents resulting in suffocation, severe bleeding, or other life threatening or permanently disabling injury or illness can be expected, a 3 to 4 minute response time, from the time of injury to the time of administering first aid, is required. In other circumstances, i.e., where a life-threatening or permanently disabling injury is an unlikely outcome of an accident, a longer response time such as 15 minutes is acceptable. Moreover, where first aid treatment cannot be administered to injured employees by outside professionals within the required response time for the expected types of injuries, a person or persons within the facility shall be adequately trained to render first aid.

In a subsequent Federal Letter of Interpretation, dated April 18, 2002, Federal OSHA responded to an inquiry regarding whether or not an employer can use the "near proximity" interpretation to determine the quantity and location for first-aid supplies. Federal OSHA stated that the 3-4

minute (life threatening) and the 15-minute (non-life-threatening) time frames apply to response and start times to administer first aid, dependent on the severity of the injury. As an employer would not know in advance whether a life-threatening injury would occur, an employer should not use the 15-minute (non-life-threatening) time frame for providing first aid treatment; however, the 3-4 minute (life-threatening) time frame would be acceptable.

The Division provided their own interpretation as to what determines “near proximity,” given inquiries regarding General Industry Safety Orders Section 3400, Medical Services and First Aid. In an April 17, 1992, letter addressed to Ms. Catherine Hayes of the American Red Cross, the Division stated that “proximity” can be understood in terms of either the distance between the workplace and the hospital, infirmary, etc., or the duration of time needed to traverse the distance between the workplace and the infirmary, clinic or hospital. The Division stated that based on its evaluation of the medical literature, a reasonable interpretation of “near proximity” would be emergency medical care administered within four minutes. The Division made it clear that the intent of Section 3400(a) is to provide timely administration of first aid when needed, regardless of how one defines “proximity.”

A second letter from the Division, dated April 25, 1996, affirmed the intent of the medical services/first aid standard in Section 3400, and further clarified that current medical literature indicates that following a cardiopulmonary event such as a heart attack or cardiac arrest, victims who receive basic CPR within four minutes have a much better chance of surviving.

Clearly, sawmill operations that primarily involve the processing of logs into lumber, and which involve debarking, stripping, sawing and cutting of logs, have the potential to cause the severe bleeding, life-threatening, or permanently disabling injuries as described above in the federal response. The American Heart Association has published, via the Internet, response guidelines, entitled “Chain of Survival-Timing Is Everything,” that were developed in 1990 to give responders an idea of how critical it is to render immediate assistance to sudden cardiac arrest victims. The tables specified therein indicate that with every minute that goes by without treatment, survival chances diminish by 7-10%.

Consequently, Board staff concurs with the Division that the currently prescribed 15-minute first aid/CPR response timeframe as contained in the “Note” to LSSO Section 6251(d)(1), and which would not require the employer to have First Aid/CPR-trained employees onsite to render assistance if emergency services were available within 15 minutes of the sawmill, is inconsistent with current medical knowledge, and federal/state interpretations, and should be amended. In the absence of an on-site infirmary, hospital, clinic, etc., the most practical way for an employer to meet a 3-4 minute response time is to have trained, on-site employees readily available to render assistance.

## SPECIFIC PURPOSE AND FACTUAL BASIS OF PROPOSED ACTION

### Section 6251(d):

Existing Section 6251(d)(1) specifies that at fixed sawmills where there are no emergency medical services in proximity to the workplace, the employer shall ensure that there are persons who are certified in first aid/CPR and readily accessible to render emergency assistance. The section also states that the standards for first aid and CPR training shall be in accordance with the principles of the American Heart Association, the American Red Cross or other nationally recognized agency, and contains an informative “Note” which defines “proximity” as used in subsection (d) to mean providing emergency medical services to employees in need within 15 minutes.

A revision is proposed to amend the first sentence of the subsection from “First-aid training shall be provided as follows:” to “First-aid and cardiopulmonary resuscitation (CPR) training shall be provided as follows.” Additional amendments are proposed to delete a portion of the current text pertaining to emergency medical services (i.e. hospitals, infirmaries, etc.), and the accessibility of persons trained in first aid/CPR, as well as the “Note” which defines the term “proximity.” It is proposed to replace this text with language requiring that employers maintain readily available (on-site) personnel, including persons in charge of the work being done and as many employees as necessary, certified to render first aid and CPR in order to ensure a timely response for medical emergencies.

The proposed performance-based revisions would require the employer to have trained/certified first aid/CPR personnel on site and in sufficient numbers so as to provide timely medical response to injured employees. The proposed revision to the subsection title is necessary for clarification purposes, and to ensure consistency with the contents of subsection (d).

The proposed amendments are necessary to ensure that a sufficient number of personnel certified to administer first aid and cardiopulmonary resuscitation are present at a work site in order to provide an immediate medical response to injured employees, consistent with current medical literature, industry practice, and federal counterpart standards.

## DOCUMENTS RELIED UPON

1. Memorandum from the Division of Occupational Safety and Health (Division) to the Occupational Safety and Health Standards Board (Board) dated January 15, 2002, with attached Form 9, Request for New or Change In Existing Safety Orders, requesting LSSO Section 6251(d)(1) be amended to clarify first aid requirements for fixed sawmill operations.
2. U.S. Department of Labor (DOL), Occupational Safety and Health Administration, Standards Interpretation Letter dated February 9, 1994, from Mr. Rodger A. Clark, Director, Directorate of Compliance Programs, RE: Interpretation of the term “in near proximity.”
3. U.S. Department of Labor (DOL), Occupational Safety and Health Administration, Standards Interpretation Letter dated April 18, 2002, from Mr. Richard E. Fairfax, Director, Directorate of Compliance Programs, RE: Clarification of 1910.151 (Medical Services and First Aid).

4. Letter from the Division to Ms. Teresa J. Pichay dated April 25, 1996, regarding the Division's interpretation of the term "near proximity."
5. Letter from the Division to Ms. Catherine Hayes, American Red Cross, dated April 17, 1992, Re: First Aid and/or CPR Training.
6. Cardiopulmonary Resuscitation (CPR) Statistics, <http://www.americanheart.org>, American Heart Association, 2004.
7. American Heart Association (AHA) Scientific Statement, "Response to Cardiac Arrest and Selected Life-Threatening Medical Emergencies, The Medical Response Plan for Schools, A Statement for Healthcare Providers, Policymakers, School Administrators, and Community Leaders, Mary Fran Hazinski et al., pgs 278-291, 2004 AHA.
8. American Heart Association, Chain of Survival-Timing is Everything, 1990, via Internet website, [http://www.chainofsurvival.com/cos/Timing\\_detail/asp](http://www.chainofsurvival.com/cos/Timing_detail/asp).

These documents are available for review Monday through Friday from 8:00 a.m. to 4:30 p.m. at the Standards Board Office located at 2520 Venture Oaks Way, Suite 350, Sacramento, California.

#### REASONABLE ALTERNATIVES THAT WOULD LESSEN ADVERSE ECONOMIC IMPACT ON SMALL BUSINESSES

No reasonable alternatives were identified by the Board and no reasonable alternatives identified by the Board or otherwise brought to its attention would lessen the impact on small businesses.

#### SPECIFIC TECHNOLOGY OR EQUIPMENT

This proposal will not mandate the use of specific technologies or equipment.

#### COST ESTIMATES OF PROPOSED ACTION

##### Costs or Savings to State Agencies

No costs or savings to state agencies will result as a consequence of the proposed action. Board staff has not identified any State owned or operated fixed sawmills; consequently, the proposed rulemaking action will have no effect upon state agencies.

##### Impact on Housing Costs

The Board has made an initial determination that this proposal will not significantly affect housing costs.

##### Impact on Businesses

The Board has made an initial determination that this proposal will not result in a significant, statewide adverse economic impact directly affecting businesses, including the ability of California businesses to compete with businesses in other states. Fixed sawmill operations in California who do not have onsite medical services, such as an infirmary or clinic, have for the

most part, been training both supervisory and non supervisory employees on-site in first aid and CPR to give the employer the ability to render first aid and CPR within the 3-4 minutes following a medical emergency. Consequently, the Board staff believes the proposal is entirely consistent with current industry practice in this area and should not result in significant adverse economic impact on businesses in California who operate fixed sawmills.

#### Cost Impact on Private Persons or Businesses

The Board is not aware of any cost impact that a representative private person or business would necessarily incur in reasonable compliance with the proposed action.

#### Costs or Savings in Federal Funding to the State

The proposal will not result in costs or savings in federal funding to the state.

#### Costs or Savings to Local Agencies or School Districts Required to be Reimbursed

No costs to local agencies or school districts are required to be reimbursed. See explanation under "Determination of Mandate."

#### Other Nondiscretionary Costs or Savings Imposed on Local Agencies

This proposal does not impose nondiscretionary costs or savings on local agencies.

### DETERMINATION OF MANDATE

The Occupational Safety and Health Standards Board has determined that the proposed standard does not impose a local mandate. Therefore, reimbursement by the state is not required pursuant to Part 7 (commencing with Section 17500) of Division 4 of the Government Code because the proposed amendments will not require local agencies or school districts to incur additional costs in complying with the proposal. Furthermore, the standard does not constitute a "new program or higher level of service of an existing program within the meaning of Section 6 of Article XIII B of the California Constitution."

The California Supreme Court has established that a "program" within the meaning of Section 6 of Article XIII B of the California Constitution is one which carries out the governmental function of providing services to the public, or which, to implement a state policy, imposes unique requirements on local governments and does not apply generally to all residents and entities in the state. (County of Los Angeles v. State of California (1987) 43 Cal.3d 46.)

These proposed standard does not require local agencies to carry out the governmental function of providing services to the public. Rather, the standard requires local agencies to take certain steps to ensure the safety and health of their own employees only. Moreover, the proposed standard does not in any way require local agencies to administer the California Occupational Safety and Health program. (See City of Anaheim v. State of California (1987) 189 Cal.App.3d 1478.)

These proposed standard does not impose unique requirements on local governments. All employers - state, local and private - will be required to comply with the prescribed standard.

#### EFFECT ON SMALL BUSINESSES

The Board has determined that the proposed amendments may affect small businesses. However, no economic impact is anticipated.

#### ASSESSMENT

The adoption of the proposed amendments to this standard will neither create nor eliminate jobs in the State of California nor result in the elimination of existing businesses or create or expand businesses in the State of California.

#### ALTERNATIVES THAT WOULD AFFECT PRIVATE PERSONS

No reasonable alternatives have been identified by the Board or have otherwise been identified and brought to its attention that would be more effective in carrying out the purpose for which the action is proposed or would be as effective and less burdensome to affected private persons than the proposed action.